

California State Transportation Agency, California Department of Transportation, and the California Intercity Rail Joint Powers Authorities

Comments to the Federal Railroad Administration in Docket No. FRA-2022-0006

Corridor Identification and Development Program; Request for Information

March 9, 2022

Background

On Monday, February 7, 2022, the Federal Railroad Administration (FRA) published in the Federal Register a Request for Information (RFI) for the Corridor Identification and Development Program (CIDP). The RFI is Docket No. FRA-2022-0006 and can be accessed at <https://www.govinfo.gov/content/pkg/FR-2022-02-07/pdf/2022-02450.pdf>.

The CIDP was created under the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL). The purpose of the CIDP is to facilitate the development of new, enhanced, and restored intercity passenger rail corridors. The BIL requires the Secretary of Transportation to establish the CIDP within 180 days of enactment (i.e., by May 14, 2022), and the Secretary delegated this responsibility to FRA.

In the RFI, FRA is seeking comments on the CIDP, and more specifically responses to 16 questions. Responses from the California partners that plan, fund, administer, and provide intercity rail service, which include the State Transportation Agency (CalSTA), Caltrans Division of Rail and Mass Transportation (DRMT), and the three Joint Powers Authorities (JPAs) that manage the state's intercity rail services, are included below.

Overview of Comments

Thank you for fielding comments on the forthcoming national process for prioritizing intercity rail corridors for federal BIL/IIJA funding. With our well-developed network consisting of three state-supported intercity rail corridors that together see more than 5 million train trips each year, four renowned Amtrak National Network lines that share track with both our existing state-supported intercity passenger rail system and planned expansions of it, extensive feeder intercity bus and regional rail services, and the country's only international-standard high-speed rail line being built, the California partners are prepared for early and sustained success in the new CIDP program. We are excited to advance projects in our State Rail Plan and have state funding ready to leverage and ensure we get the most out of the BIL dollars we receive.

In general, we believe that the CIDP program should ensure that states like California can effectively apply the decades of experience we have in developing, funding, and administering passenger rail service. While an Amtrak-led process is likely appropriate for certain emerging rail corridors, we feel there should be space for states like ours to lead continued improvements to our already well-established corridors. To this end, the California partners are requesting that you allow us to use state-level planning processes we have perfected and consult with the entities that can best fulfill the needs of the people who use our rail network to get where they need to go, as reflected in our section-specific comments on the RFI below.

Roles and Responsibilities Within the Program

The optimal corridor development process the California partners envision would allow flexibility for states, especially those with significant existing rail systems and rail planning capacity like California, to take the lead on corridor planning. In our view, this will help streamline the process, helping reduce budgets and shorten schedules of projects. To this end, we recommend FRA limit the timeframe of SDP development to less than one year, limit the page length of SDPs, and maintain existing requirements specified in 49 U.S.C. 25101(d). We hope FRA engages with us in these planning processes, advising us as we implement emerging best practices and integrate our network with those of neighboring states.

1. What is the appropriate role for Amtrak, in the submission and development of proposals submitted by other entities, for corridors that currently are or would be intended to be operated by Amtrak?

The California partners would like to continue utilizing the authority we currently have to invest in the rail network and negotiate with the host railroads with whom we have well-established and productive relationships. As part of this, we envision partnering with Amtrak on capital improvements that benefit their long-distance services, and also would like to team up with them to develop new interstate rail corridors like the Coachella corridor to Arizona that can host both regional and intercity services. However, on our more well-established corridors we feel that a state-led planning process in which Amtrak serves in an advisory capacity would facilitate smooth progression of the ongoing and proposed projects that will improve access and mobility for people in our state.

2. What are the appropriate roles for FRA and other parties in the preparation of SDPs under 49 U.S.C. 25101(d), or in other Program activities?

The California partners view intercity rail corridor development as a process similar to that underlying our federally-mandated State Rail Plan, in which we take the lead and leverage FRA's guidance, technical assistance, and final acceptance of the plan. However, as we are currently coordinating several corridor planning efforts that involve high-priority projects, we would like to avoid transferring these coordination responsibilities to federal entities to minimize the possibility of administrative disruptions to these vital projects that, based on our prior experiences, can delay needed improvements for years.

Service Development Plans

In administering our statewide rail system, the California partners have learned that it is important to examine network-wide benefits of a project instead of limiting this analysis to benefits specific to just a single corridor, and find FRA's multi-state tools like CONNECT especially useful in determining these broader benefits. Additionally, we feel corridor development plans should examine impacts of new or expanded service on progress towards strategic goals that Caltrans and FRA share, including mobility, equity, and climate change mitigation.

3. Where permissible, should SDPs under the Program have the option to be prepared as longer-range planning documents, so that the implementation of the new or improved service (through the implementation of the projects included in the "corridor project inventory," and advancement of such projects into the project pipeline) may be sequenced or phased over time?

As described earlier, the California partners would like to proceed with the important corridor planning and project development efforts already underway. We feel FRA's Service Development Plan guidance

can best complement these efforts if updated to add flexibility, generally defining the nature of an acceptable SDP but not prescriptively defining requirements. As our federally-required State Rail Plan already establishes clear phasing and prioritization of project-specific federal and state rail investments, we would like to focus our efforts on that plan and avoid any duplicative work that would result from any SDP requirements that are too prescriptive.

4. Where permissible, should SDPs under the Program develop and narrow alternatives for implementing a new or improved service through the use of a planning process undertaken in advance of environmental review under the National Environmental Policy Act (NEPA) (e.g., in a manner similar to that applicable to highway and transit projects under appendix A to 23 CFR part 450— Linking the Transportation Planning and NEPA Processes)?

Yes, we support the ability to develop and narrow alignment alternatives outside of the NEPA process. As most intercity rail corridor projects happen on already-existing rights of way, for these projects it typically is known that improvements will take place in existing corridors or alignments. As a result, many of the California partners' corridor planning efforts have already moved beyond the alignment selection phase, and any requirement that these advanced projects revert to that earlier phase in order to comply with NEPA risks significant delays to projects that benefit the environment, such as introduction and expansion of sustainable rail service provided using zero-emission multiple units or Tier 4 locomotives.

5. How should public involvement and environmental considerations be incorporated into the preparation of SDPs under the Program, and how might that vary depending on whether or not SDPs develop and narrow alternatives (as described in Question #4)?

As described in our response to Question 4, NEPA Tier 1 is a time-consuming process that often results in selection of a passenger rail project alignment on an existing right of way. Thus, the California partners feel the alignment selection process should be separated from NEPA in order to expedite these environmentally-beneficial projects that improve transportation for the public.

6. 49 U.S.C. 25101(e) requires that FRA consult with certain stakeholders in the preparation of SDPs under the Program. What approaches could FRA take to ensure the consultation process is effective and meaningful?

As described in our responses to earlier questions, the California partners should be a central part of this consultation process, given our long-standing relationships with stakeholders such as host railroads and Amtrak. We recommend that the process allow for the agencies that administer and provide state-supported corridor rail service to engage directly with the other stakeholders FRA is required to consult with, and take the lead in those discussions when appropriate with FRA serving in an advisory capacity.

Project Pipeline

The California partners support a project pipeline in which existing commitments and funding opportunities receive priority, to ensure people receive the train services they want and support. To this end, we envision a pipeline in which selected rail projects receive guaranteed, quasi-formula funding based on their readiness that ensures they steadily move forward, rather than having to unpredictably face off against each other every time a new round of funding becomes available. Further, we ask that the extent of consultation with Amtrak not be a factor used to prioritize projects, to allow flexibility for

improvements that cover not only rail corridors well-suited for traditional Amtrak operation, but also those for which innovative service models involving other operators may be a better fit.

7. Should capital projects identified in the project pipeline be required to be ready for immediate implementation (i.e., final design and construction), and be supported by a completed environmental determination under NEPA, completed preliminary engineering, and (as applicable) agreements with the relevant host railroad(s)?

While the California partners support a process that places well-advanced projects at the front of the line for funding (as described above), we envision a more holistic process that includes projects in a variety of readiness states. In our experience, different projects move at different paces, so in our view a rapidly-moving project need not be forced to wait behind one at a more advanced phase when the pipeline is created that later encounters obstacles.

8. If a capital project must be ready for immediate implementation in order to be included in the project pipeline (see Question #7), should FRA establish a “pre-Pipeline” of projects that have been identified in the “corridor project inventories” included in the SDPs prepared under 49 U.S.C. 25101(d), and that are in the process of being readied for implementation (e.g., in the process of environmental review under NEPA, undergoing completion of preliminary engineering, etc.), but which are not ready for implementation?

As described in our response to Question 7, the California partners hope that the main pipeline will comprehensively include projects in a variety of readiness phases, allowing for flexible planning and the ability for our state to adjust when obstacles arise. However, should FRA elect to proceed with a more narrowly-scoped, implementation-ready pipeline, we recommend also creating a “pre-Pipeline” that ensures a sufficiently holistic array of projects are programmed and permits the flexibility needed for effective corridor planning. For example, there could be value in including the early phases of large projects, such as ROW acquisition or utility relocation, in a “pre-Pipeline” to ensure that promising projects can tap into necessary resources in a timely manner.

9. Through what means, and in consideration of what factors (beyond those enumerated in 49 U.S.C. 25101(g)(4)-(7)), should FRA establish the order (or prioritization) of the list of capital projects eligible for funding identified under the project pipeline, as called for in 49 U.S.C. 25101(g)(3)?

While project readiness should be a central factor in prioritization for funding as described above, we feel that more generally states should decide which rail corridor development projects are highest-priority for them, based on the needs of their transportation network and its users. This would sustain the existing process the California partners apply to develop our State Rail Plan.

Funding of Program Activities

10. What other Program activities should be undertaken with the support of funding provided under 49 U.S.C. 24911(k)?

We feel that incorporating technical support for modeling and project delivery, enhanced planning processes (beyond just SDPs), development of pre-pipeline projects, and outreach to freight railroads where future projects could facilitate mutually beneficial improvements for movement of both people and goods would help optimize the effectiveness of the CIDP.

Readiness of Proposals for Selection into the Program

11. Should FRA consider readiness factors not otherwise described in the statute when evaluating proposals submitted for the Program, and if so, what factors would be relevant in assessing readiness?

Important factors for the California partners include amount, stability, and longevity of state matching funds, support from host railroads, availability of rolling stock to provide service, and mitigation of and adaptation to climate change impacts, specifically transportation-related greenhouse gas emissions, sea-level rise, and storm-induced damage. Farebox recovery should be less of a factor, since financial performance is not the only measure of a corridor's benefits and states can choose to subsidize operating costs for rail services due to broader social, economic, and environmental benefits of the service, such as connectivity to rural areas, that fare revenue specifically may not reflect.

12. In determining the readiness of a proposal, should FRA consider the degree of commitment to the eventual implementation of the proposal demonstrated by: (1) The entity submitting the proposal, (2) the proposed service sponsor(s), and/or (3) the proposed capital project sponsor(s)?

We are concerned that requiring an SDP to prematurely identify the operator of a proposed corridor rail service before the associated environmental review process is complete could preclude states from considering qualified proposals from operators. Thus, the California partners suggest that FRA either remove this requirement or allow for flexible arrangements where, even if the SDP must specify the expected rail service operator, that specification be subject to change as corridor development proceeds and not locked in. Further, we recommend that existing and new public agencies be able to operate corridor rail services, in addition to Amtrak and private rail companies.

Criteria for the Selection of Proposals

13. Of the fourteen selection criteria enumerated in 49 U.S.C. 25101(c), are certain criteria of greater importance to the successful development of an intercity passenger rail corridor?

Yes, as described earlier the California partners feel criteria that represent the overlapping strategic goals of FRA and California, including network-wide ridership effects, greenhouse gas emissions reduction, equity, access, mobility, and safety, are of greatest importance to successful corridor development.

14. What other considerations may be appropriate in evaluating proposals for corridors to be developed under the Program?

The California partners feel that FRA should consider a corridor's inclusion in a State Rail Plan, regardless of whether it also is included in a regional or interregional transportation plan. Local- and regional-level planning processes can systemically exclude interregional projects essential to statewide transportation, requiring the State Rail Plan to be the primary planning document for these projects.

Selectivity of the Program

15. In general, how selective should the Program be, particularly during the period directly following its establishment? Should all proposals that meet a minimum threshold be selected for development under the Program, or should only a limited number of top proposals be selected, and if so, why?

In our view the CIDP should be broad (as described in responses to earlier questions), but eligible corridor development proposals should have support from local and regional stakeholders.

16. What considerations are relevant for determining the selectivity of the Program?

As described in our response to Question 15, local support for projects should be an important factor.